REMARKS/ARGUMENTS

The above amendments are in response to the Final Office Action of January 16, 2008, and in view of a telephone interview held with the Examiner with respect to clarification of the Office Action. The undersigned expresses his appreciation for the courtesy and consideration extended by the Examiner during the interview.

Claims 1-7 are in the application.

During the interview the Examiner was questioned to ascertain how the cited Finnegan and Horne disclosures could be combined to provide the claimed invention. It was noted that the storage rack of Finnegan is explicitly described as being used in a drawer to hold spice containers (see Figure 1A and the attached Internet product flyer showing what appears to be a commercial embodiment of Finnegan's spice rack). The spice bottle and containers are vertically positioned at a slant. It was not understood how bottles would be placed horizontally in the nested arrangement, as claimed, in the Finnegan rack nor was it clear how would the Horne reference, showing a single shaped bottle holder (which does not hold a bottle horizontally for refrigerator storage), be used to modify Finnegan's rack to hold bottles in a nested configuration as claimed.

In lieu of an explanation of this combination, the Examiner referred to the Cash reference (US Patent No. 6,981,597), cited in the first Office Action but not specifically against any claim, as showing a nested bottle configuration with inverted bottles, as in the present invention. It was pointed out to the Examiner that Cash indeed was the state of the art for nesting bottles but that it did not show the present invention as claimed. All the bottles in the Cash reference were in the same plane, as seen in Figures 2B, 2C and 4A thereof, with only a slight improvement in saving of storage space over bottles placed end to end. Since all the bottles are in the same plane, the necks of the inverted bottles are confined to placement between the necks of the other bottles without any overlap of bottles as is possible with a dual plane configuration of the presently claimed invention. In fact, all of the references, at most, show only a single horizontal storage plane. (Although Horne shows alternative positioning planes of a single bottle, neither of such alternatives is of a bottle in a horizontal position, as required in the present claims.)

With the Examiner referring to the Cash reference structure, there was apparently some confusion with respect to the configuration and meaning of the claimed separate planes. The

separate planes in the claimed present invention is embodied in a single rack structure without any stacking of racks, with the single rack having two compartments being formed as a relief of the rack surface in one plane and a third inverted compartment is configured as an elevation on the same rack surface, as claimed in claim 1:

"...**a surface of the rack having an upper relief configuration which defines at least one set of three compartments** configured to accept a bottle in each compartment, with each bottle laid out horizontally...

two adjacent **first compartments**, which are equal in length, are parallel and substantially run together with the same horizontal orientation of respective wider area and narrower area, the two first compartments being **on a same first plane**, and

a third, inverted compartment on an elevated second plane elevated relative to the first plane..."

The Examiner has however considered the stacking of separate racks as a teaching of separate planes for holding bottles and referred to the rack stacking shown in present Figure 3. This is however, in error since the present invention requires and claims the nesting of the bottles in compartments of different planes of a single unstacked rack, i.e., with a single configured surface. Each rack is arranged with the dual plane configuration prior to any stacking of racks and although rack stacking is shown in Cash, there is no basic dual plane configuration and certainly no stacking of racks with dual plane configurations as claimed.

The Horne reference discloses a structure with a shaping to conform to a bottle, However, Horne specifically requires a structure which either tilts a bottle up to prevent an open bottle from leaking or tilts it down (Figures 2 and 3) to keep the cork wet. Not only would either configuration be antithetical to nested stacking, claim 1 requires the rack to hold bottles in a horizontal position which Horne specifically does not. The present invention as claimed, and as clarified with the above amendment, and as shown in Figure 2, shows a much closer nesting and space saving achieved by the claimed feature of the third inverted compartment being elevated into a plane above the plane of the first bottles. As a result, elevated bottles can nest with the other bottles on a lower plane to a far greater extent as shown in Figure 2.

For further clarification (although the invention is fully described in the present specification and drawings), attached herewith is a three dimension rendering of the rack of the present invention showing the profiled rack with and without emplaced bottles in the

compartments. The surface of a single rack is configured in relief with compartments (C1, C2 and C3, with the basic set unit of three (as claimed) shown in the bottom view), with two lower compartments and a third upper compartment elevated above the first two. Each compartment is conformed to a bottle shape with narrow and wider areas corresponding to the shape of the bottle. Compartments C1 and C2 are positioned at a level or plane (as claimed) P1 with an identical corresponding compartment C3 shown as being inverted relative to the first two compartments and elevated as a higher configuration relief on the same surface as compartment C1 and C2. The third bottle in compartment C3 is not stopped in positioning, as in the Cash reference, by abutting engagement with the wide section of the opposing bottle. Instead, because of the integrated higher plane elevation, the neck portion of third bottle can extend to nearly the end of the bottles it overlaps, with a significant saving in storage area.

If somehow Finnegan or even Cash would be combined with the teachings of Horne it still would not provide the presently claimed invention and the Examiner is requested to review and withdraw the rejection of claim 1. Claims 2-7, dependent on claim 1 are similarly patentable over the cited prior art for at least the reasons given with respect to claim 1.

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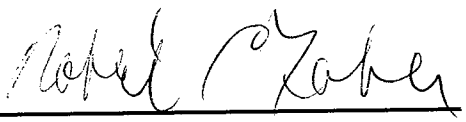
Respectfully submitted,



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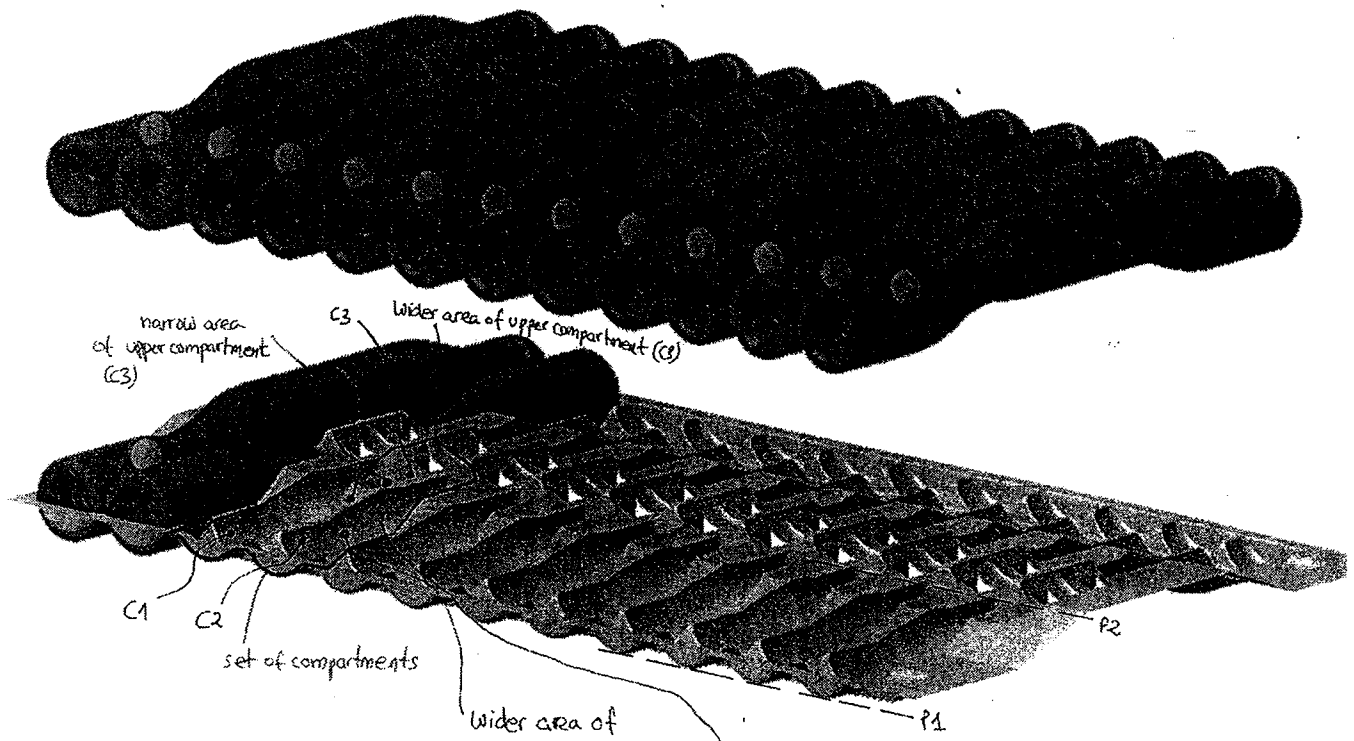

C1: first compartment of the lower relief (in plane P1)

C2: second parallel compartment of the lower relief (in plane P1)

C3: compartment of the upper relief (in plane P2)

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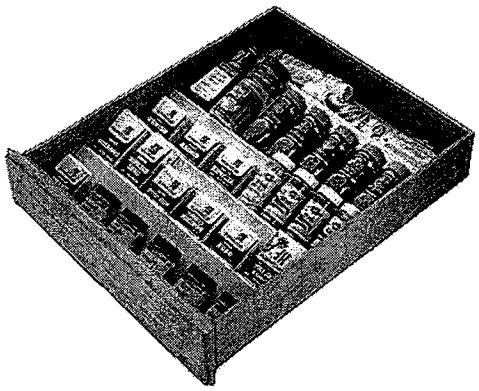

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